

AMENDMENT AND RESPONSE TO OFFICE ACTION
U.S. Application No. 10/619,542**REMARKS**

In this Amendment, claims 1, 61, 78, 95, 99, 138-175, 183-187 and 195-198 have been amended and claims 199-225 have been added. No new matter has been added.

Double Patenting

The Examiner rejected claims 1-198 as being unpatentable over U.S. Patent No. 7,113,853 on the ground of nonstatutory obviousness-type double patenting. The Examiner asserts that the claims are not patentably distinct from one another because "they are both drawn toward checking the title history of a vehicle that are used to check previous owners, while the intended use is different, all the same information is collected and the uses for the collected information are deemed to be obvious variants." Applicants disagree. The '853 patent is directed to determining whether the vehicle has reliability issues, such as vehicle recalls or manufacturer buybacks, and/or passed import inspection. Since the analysis of the vehicle history records is completely different and the records are not used to check previous owners in the '853 patent, the pending claims are patentably distinct. Applicants accordingly request withdrawal of the double patenting rejection.

Rejections under 35 U.S.C. § 101

The Examiner rejected claims 136-174 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants have amended claims 138-174 to recite a computer readable storage medium. Applicants note that claims 136-137 do not include computer readable medium limitations. Applicants accordingly request withdrawal of the rejections under 35 U.S.C. § 101.

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The Examiner rejected Claims 1-198 under 35 U.S.C. § 103(a) as being obvious in view of Barnett (U.S. Patent No. 4,989,144).

The Examiner submits that Barnett teaches all the elements of each of the independent claims, except for "using the data to adjust ownership." The Examiner further submits that Barnett discusses salvage titles and that "it is old and well known in the art that a one-owner vehicle is more prized than one which has had multiple owners (for instance ads that claim "Clean-one-owner!"), and concluded that it would have been obvious to one of ordinary skill in the art at the time of the invention "to use the method and system taught by Barnett for adjusting the price of vehicles as a vehicle sold as 'salvage' is worth much less than one without, a vehicle with 'true mileage unknown' (which would be recorded at a sale) is also worth less and further, a one owner vehicle can be worth more if only by perception." Applicants disagree.

Barnett describes a system and method for determining whether a discrepancy, such as a prior salvage title, inconsistent odometer readings, duplicate title, title with unknown mileage, etc., exists. Barnett does not describe determining if an ownership transfer has occurred or determining a price adjustment and/or value of the vehicle based on the ownership transfer. Thus, the Examiner has not pointed to a teaching in Barnett for all of the limitations of the independent claims.

Furthermore, the Examiner has failed to provide an adequate reason for modifying Barnett - it is unclear to the Applicants how ads that claim "Clean-one-owner!" would lead one of skill in the art to systems and methods that automatically determine a price adjustment and/or value of the vehicle using the ownership transfer information.

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Moreover, one of skill in the art would not have a reasonable expectation of success based on this combination. The cited art fails to provide a detailed discussion of how an ownership transfer is determined, how a price adjustment and/or value of the vehicle is determined using that information, and why this analysis has not been done accurately in the past. In contrast, the present specification provides such a description. In particular, paragraph [0051] states: "... For example, situations involving duplicate titles, lien discharges, title error correction and owner relation/moving, result in new title/registration records where in fact no transfer in vehicle ownership has occurred. Therefore, simple counting of the title/registration records would not ensure accurate determination of the number of owners for a particular vehicle." That is, in the prior art systems that simply counted the title/registration records resulted in errors. In the present specification, on the other hand, a detailed description of how the determination is made follows paragraph [0051]. Similarly, a very detailed description of determining the adjustment or value of the vehicle is described beginning at paragraph [0122].

Thus, the cited art fails to teach or suggest all of the limitations of the independent claims. The dependent claims depend, directly or indirectly, from one of the foregoing independent claims.

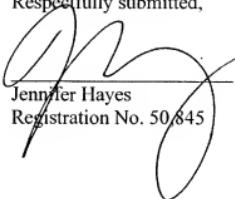
Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 50-3557. Applicants petition for any extension of time that may be necessary to maintain this application in force. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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